

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JAMES SMALLEY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:10CV319 RWS
	)	
MICHAEL GAMACHE, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND AMENDED CASE MANAGEMENT ORDER**

This matter is before the Court on defendants' response to the Court's April 4, 2012 Show Cause Order and motion to amend the case management order. Defendants contend that they failed to respond to plaintiff's outstanding discovery requests because of inadvertence and a change of counsel, and they seek additional time to conduct discovery based on the same reasons. Ordinarily, I would find these reasons insufficient to grant relief given the age of this case; however, since plaintiff complains that he, too, has been unable to adequately prepare his case, I will amend the case management order for the final time. **These deadlines will not be modified except upon a showing of exceptional circumstances, which no longer includes inadvertence, change of counsel, or inadequate access to a law library.**

**IT IS HEREBY ORDERED** that the motion to amend [#70] is granted and the following amended schedule shall apply in this case:

**I. SCHEDULING PLAN**


1. All discovery in this case must be completed by **June 11, 2012**. Parties shall file motions to compel in a prompt manner and in no event after the discovery deadline.
2. Defendants are granted leave of Court, pursuant to Rule 30(a), Fed.R.C.P., to take the deposition of plaintiff, upon reasonable notice.

3. The Court will not entertain any motion to stay discovery or disclosure based upon the defense of qualified immunity unless such a motion is accompanied or preceded by a detailed brief setting forth the specific factual and legal reasons (with appropriate case citations) qualified immunity applies to this case.

4. Any motion for summary judgment must be filed no later than **July 11, 2012**. Opposition briefs shall be filed no later than **August 10, 2012** and any reply brief may be filed no later than **August 20, 2012**. Failure to timely file a motion for summary judgment will waive a party's right to do so before trial.

This order specifically preempts any provision of local rule to the contrary. It is anticipated that if a summary judgment motion is filed, the case will not be set for trial until after the motion has been ruled upon. If no motion for summary judgment is filed by the date set above, the case will be set for trial forthwith.

**Any deadline not specifically amended above remains in full force and effect.**

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 9th day of April, 2012.